

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of :
Peter David Davis :
Application No.: Not Yet Assigned :
Filed: July 3, 2003 :

Title: BENZIMIDAZOLE VASCULAR DAMAGING AGENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER
37 C.F.R. § 1.56, § 1.97(b)(3) AND § 1.98

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. § 1.97 (b)(3) and § 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO/SB/08A. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the documents were previously submitted in Application No. 09/889,061, filed October 22, 2001 or cited in an Office Action, from which this application claims priority under 35 U.S.C. § 120. Accordingly, no copies are being provided herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each, any, or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the present application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents. Further, Applicants reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied as prior art against the claims of the present application.

Attorney Docket No. 215233-00107
Customer No. 27160

CONCLUSION

It is respectfully requested that the attached information be considered by the Examiner and that a copy of the attached Form PTO/SB/08A be returned indicating that such information has been considered.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

AUTHORIZATION

Applicants believe there is no fee due in connection with this filing as this Information Disclosure Statement is being filed prior to any Office Action on the merits in this matter. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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Patent Administrator
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Dated: July 3, 2003

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Substitute for form 1449/PTO				<i>C mpt if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	Not Yet Assigned
				Filing Date	July 3, 2003
				First Named Inventor	peter David Davis
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	3	Attorney Docket Number	215233-00107

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		Kruse, L.I., et al., "Synthesis, Tubulin Binding, Antineoplastic evaluation, and Structure-Activity Relationship of Oncodazole Analogues," Journal of Medicinal Chemistry., Vol. 32, No. 2, Feb. 1989, pp. 409-17, XP002142971			
		Lacey, E., et al., "Activity of Benzimidazole Carbamates Against L1210 mouse Leukaemia cells: Correlation with in Vitro Tubulin Polymerization assay," Biochemical Pharmacology, vol. 34, no. 19, 1985, pp. 3603-3605, XP002056333.			
		Chemical Abstract of de Brabander, M.J., et al., "The effects of methyl'5-(2-thienylcarbonyl)-1H-benzimidazol-2-yl Carbamate, (R 17934: NSC 238159), a new synthetic antitumoral drug interfering with microtubules, on mammalian cells cultured in vitro," p. 26; XP002143095, cited in the application abstract & Cancer Res., vol. 36, no. 3, 1976, pp. 905-16, Chemical Abstract, vol. 84, no. 21.			
		Khan, A.M. et al., "Studies on enteric anthelmintics: Impact of single point structural change on the activity profile," Zeitschrift Fur Naturforschung, B, vol. 43, no. 2, Feb. 1988, pp. 233-7			
		Raeymakers, A.H.M., et al., "Synthesis and Anthelmintic Activity of Alkyl-(5-acyl-1H-benzimidazol-2yl) carbamates," Arzneimittel-Forschung, vol. 28 (I), no. 4, 1978, pp. 586-94, XP002142973.			
		Abuzar, S., et al., "Synthesis and anthelmintic activity of 2,2'-disubstituted 5,5-dibenzimidazolylsulfides and sulfones," Arzneimittel-forschung, vol. 36 (I), no. 3, March 1986, pp. 416-9, XP002142974.			
		Database Crossfire"Online", Beilstein Institut zur Foerderung der Chemischen Wissenschaften; XP 002142975, Beilstein Registry no. 4595458 & Indian J. Chem. Sect. B, vol. 19, no. 7, 1980, pp.536-8.			
		Database Crossfire "Online" Beilstein Institut zur Foerderung der Chemischen Wissenschaften; XP 002142976, Beilstein Registry No. 5651135 & Indian J. Chem. Sect. B, vol., 24, 1985, pp. 754-60.			
		Database Crossfire "Online" Beilstein Institut zur Foerderung der Chemischen Wissenschaften; XP 002142977, Beilstein Registry No. 5622648 & Indian J. Chem. Sect. B, vol., 24, 1985, pp. 747-53.			
		Database Crossfire "Online" Beilstein Institut zur Foerderung der Chemischen Wissenschaften; XP 002142978, Beilstein Registry No. 5669479, 5670801, 5667941, 5667940, 5665325 & Indian J. Chem. Sect. B, vol., 24, 1985, pp. 730-2.			

Examiner Signature		Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	Not Yet Assigned
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Sheet	3	of	3	Attorney Docket Number	215233-00107

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		Database Crossfire "Online" Beilstein Institut zur Foerderung der Chemischen Wissenschaften; XP 002142978, Beilstein Registry No. 4615289, 4609187, & Indian J. Chem. Sect. B, vol., 23, no. 12, 1984, pp. 1274-8			
		Database Crossfire "Online" Beilstein Institut zur Foerderung der Chemischen Wissenschaften; XP 002142980, Beilstein Registry No. 6009722, 6007941, 6007769 & Indian J. Chem. Sect. B, vol., 24, 1985, pp. 178-81.			

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	of	First Named Inventor	Peter David Davis
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		Examiner Name	Not Yet Assigned
		Attorney Docket Number	215233-00107

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)		Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		DE 2164690A	07/12/73	Farbwerke Hoechst AG
		DE 2332343A	01/16/75	Farbwerke Hoechst AG

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